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5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 vs.)

10 ADRIAN D. HARRY,)

11 Defendant.)

2:17-CR-0203-TOR

Protective Order Regarding Privacy
and Compliance with 18 U.S.C. § 3509

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15 BEFORE THE COURT are the United States' Motion for a Protective Order and
16 Motion to Expedite (ECF Nos. 30, 31). The motions were submitted for consideration
17 without oral argument. Having reviewed the file and the records therein, the Court is
18 fully informed. Good cause having been shown, the motions are granted.
19

20 IT IS HEREBY ORDERED that the privacy protection measures mandated by 18
21 U.S.C. § 3509, apply in this case because it involves a person under the age of eighteen
22 years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a
23 crime committed against another person;
24

25 IT IS FURTHER ORDERED that all persons acting in this case in a capacity
26 described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy protections
27 of 18 U.S.C. § 3509(d)(1) and (2), as follows:
28

Protective Order

1 (d) Privacy protection.—

2 (1) Confidentiality of information.—

3 (A) A person acting in a capacity described in
4 subparagraph (B) in connection with a criminal
5 proceeding shall—

6 (i) keep all documents that disclose the name or any
7 other information concerning a child in a secure
8 place to which no person who does not have
9 reason to know their contents has access; and

10 (ii) disclose documents described in clause (i) or the
11 information in them that concerns a child only to
12 persons who, by reason of their participation in
13 the proceeding, have reason to know such
14 information.

15 (B) Subparagraph (A) applies to—

16 (i) all employees of the Government connected with
17 the case, including employees of the Department
18 of Justice, any law enforcement agency involved
19 in the case, and any person hired by the
20 Government to provide assistance in the
21 proceeding;

22 (ii) employees of the court;

23 (iii) the defendant and employees of the defendant,
24 including the attorney for the defendant and
25 persons hired by the defendant or the attorney
26 for the defendant to provide assistance in the
27 proceeding; and

28 (iv) members of the jury.

1 (2) Filing under seal.—All papers to be filed in court that
2 disclose the name of or any other information concerning a
3 child shall be filed under seal without necessity of obtaining a
4 court order. The person who makes the filing shall submit to
5 the clerk of the court—

6 (A) the complete paper to be kept under seal; and

7 (B) the paper with the portions of it that disclose the name
8 of or other information concerning a child redacted, to
9 be placed in the public record.

10 IT IS FURTHER ORDERED that counsel shall remind all persons providing
11 assistance on this case of these obligations.

12 IT IS FURTHER ORDERED that any alleged minor victim will be referred to either
13 by initials or a pseudonym, whichever is agreed upon by counsel for the United States
14 and Defendant. Counsel shall be consistent in their use of the identifier selected. The
15 parties shall prepare their witnesses and instruct them to refer to the alleged minor
16 victims only by using the agreed pseudonyms (e.g., “Jane Doe 1,” “Jane Doe 2”), rather
17 than their names, in opening statements and in closing arguments.

18 IT IS FURTHER ORDERED that a pseudonym shall also be used for any potential
19 witnesses who will not be 21 years of age at the time of trial but who will testify about
20 events that took place when they were minors.

21 IT IS FURTHER ORDERED that the following information shall be precluded from
22 public disclosure: any personal information that relates to any person for whom
23 identifiers will be used.
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1 IT IS SO ORDERED. The District Court Clerk is directed to enter this order and
2 furnish copies to counsel.
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4 DATED February 5, 2018.
5



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge